

# **Exhibit 3**

**C**

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1 D. Anderson  
2 BY MR. TURCHI:  
3 Q. Who did you hear it from?  
4 A. Staff.  
5 Q. Who?  
6 A. Chandelere.  
7 Q. Spell that name, please.  
8 A. I don't know how to spell it.  
9 Q. Is that male or female?  
10 A. It's a female.  
11 Q. I'll give it a crack. It's  
12 C-H-A-N-D-E-L-I-E-R. Do you know her last  
13 name?  
14 A. No.  
15 Q. All right. And she worked under  
16 you as an RA?  
17 A. Yes.  
18 Q. And she told you what?  
19 A. She told me that the staff was  
20 stealing. In fact, in the meeting that --  
21 Valerie confirmed that while I was out money  
22 was missing, materials was missing, staff was  
23 calling out. So it was not running smoothly.  
24 Q. Anybody but Chandelere tell you  
25 that?

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1 D. Anderson  
2 A. Valerie told me that they were  
3 stealing.  
4 Q. In this meeting September 23rd?  
5 A. No, she didn't tell me in the  
6 meeting September 23rd. She told me  
7 afterwards.  
8 Q. She told you after you went back  
9 to work?  
10 A. Yes.  
11 Q. And you don't remember  
12 Chandelere's last name?  
13 A. I think it's Saint Fatton. I  
14 think it's Saint Fatton.  
15 Q. Okay. Anything else about that  
16 statement? Anybody else tell you any  
17 information that you say refutes that  
18 statement that the house was running smoothly  
19 when you were not there?  
20 A. No.  
21 Q. Again, when you were done this  
22 now second leave -- was this FMLA leave or  
23 workers' comp leave or don't you remember?  
24 A. They made me take my personal  
25 time. I think that's -- I had to take my

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1 D. Anderson  
2 personal time. I think that was FMLA.  
3 Q. You were out for about two  
4 months; correct?  
5 A. Yes.  
6 Q. And is it your recollection that  
7 you were paid that whole time?  
8 A. I think I ran out of time, so  
9 no.  
10 Q. But you were still allowed to be  
11 out?  
12 A. Yes.  
13 Q. And, again, you don't know  
14 whether KenCrest's policy at the time was when  
15 you take FMLA you have to exhaust any paid  
16 vacation or personal time you have concurrent  
17 with the FMLA leave? You just don't know?  
18 A. With the FMLA leave, I know you  
19 have to use your time. I know that.  
20 Q. And that's what you did this  
21 time when you were out?  
22 A. Yes, when I was forced to take  
23 FMLA leave.  
24 Q. Didn't you ask for FMLA leave?  
25 A. I went to workmen's comp doctor.

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1 D. Anderson  
2 And they told me if I need time off, I would  
3 have to take the FMLA leave. I didn't ask for  
4 it. They told me I had to do it.  
5 Q. Who told you that? The workers'  
6 comp doctor?  
7 A. No. HR from KenCrest told me I  
8 had to take that leave.  
9 Q. Was there determination made by  
10 somebody, whether it be outside of KenCrest or  
11 in KenCrest, that you were aware of that this  
12 was not workers' comp eligible?  
13 A. I don't know.  
14 Q. You didn't receive any  
15 information in that regard?  
16 A. I don't recall that. I recall  
17 that HR called and told me that I cannot go to  
18 the workmen's comp doctor, I had to go to my  
19 own doctor. And if I need time off, I would  
20 have to use my personal time and take FMLA  
21 leave.  
22 Q. But you don't know what the  
23 basis for that was?  
24 A. Right, I don't recall.  
25 Q. You didn't get any documents

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1 D. Anderson  
2 that --  
3 A. Not that I recall.  
4 MR. TURCHI: Okay. Put  
5 that aside.  
6 (Exhibit D-14 is marked for  
7 identification.)  
8 BY MR. TURCHI:  
9 Q. I'm showing you a document we've  
10 marked Defendant's Exhibit 14. This is a  
11 memorandum from KenCrest, Valerie Van Kirk to  
12 you, dated October 31, 2011; correct?  
13 A. Yes.  
14 Q. Does your signature appear on  
15 the document?  
16 A. Yes.  
17 Q. Do you remember getting this  
18 document at or around the time?  
19 A. Yes.  
20 Q. And, again, this is from Valerie  
21 Van Kirk; right?  
22 A. Yes.  
23 Q. She says in this document, this  
24 is a follow-up to our meeting of 9/23/11. I  
25 am pleased to tell you that you are doing

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1 D. Anderson  
2 before you were demoted back to an RA, you  
3 didn't take any medical leave, you didn't take  
4 any FMLA leave, you didn't take any workers'  
5 comp leave; correct?  
6 A. Right.  
7 Q. Now look at the next document.  
8 We've marked as Defendant's Exhibit No. 15 a  
9 multiple-page document that we produced in  
10 discovery marked as Defendant's 187, 188 and  
11 189. Now, there's no signature on this  
12 document. Do you remember getting it?  
13 A. I've never seen this before in  
14 my life.  
15 Q. Okay. Never before today?  
16 A. No.  
17 Q. In the first paragraph, what  
18 Valerie purports to be saying is, I met with  
19 you and your staff on 3/19/12 in regards to a  
20 complaint that you were gossiping about her to  
21 a coworker.  
22 Do you remember that  
23 meeting taking place?  
24 A. No.  
25 Q. Do you remember that allegation

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1 D. Anderson  
2 well.  
3 Did you take this to be  
4 harassment or discrimination?  
5 A. No.  
6 Q. In fact, in this document, what  
7 Valerie was doing was pointing out most of the  
8 good things that you were doing, and, in a  
9 supervisory way, telling you that there was  
10 some other things that could be done a little  
11 better; correct?  
12 A. Yes.  
13 Q. Did you think this was  
14 appropriate supervision on Valerie's part?  
15 A. Yes.  
16 MR. TURCHI: You can put  
17 that aside.  
18 (Exhibit D-15 is marked for  
19 identification.)  
20 BY MR. TURCHI:  
21 Q. Let me ask you a question about  
22 this prior document. This was Defendant's 14,  
23 the October 31st memo from Valerie Van Kirk to  
24 you. It is correct, is it not, that after you  
25 got this document from Valerie, at any time

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1 D. Anderson  
2 being made by a staff against you?  
3 A. Yes.  
4 Q. Is it your recollection that  
5 there was no meeting or you just don't  
6 remember?  
7 A. I don't remember the meeting.  
8 Q. You stated that you did not  
9 speak with PW -- we're not mentioning names.  
10 I guess she's just trying to keep  
11 confidentiality here -- in reference to CSF.  
12 Did you tell Valerie that?  
13 A. Yes.  
14 Q. PW confirmed that you and he  
15 were not conversing about CSF, but you did say  
16 aloud that you would have to write her up for  
17 callouts. Do you remember Valerie telling you  
18 that?  
19 A. I remember this, yes.  
20 Q. And Valerie goes on to say, I'm  
21 not saying that you purposely made the  
22 statement aloud for him to hear, but I am  
23 saying that this behavior should not be  
24 repeated and is unacceptable.  
25 Did you take that to be

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1 D. Anderson  
2 discrimination or harassment?  
3 A. Yes, I believe it's harassment.  
4 Q. Did you think it was appropriate  
5 for your supervisor to point out to you that  
6 you shouldn't be saying loud enough for other  
7 staff to hear that you would be disciplining a  
8 member of your staff?  
9 A. Can you ask me that again?  
10 Q. Yes. When you were a  
11 supervisor, when you gave discipline for  
12 whatever reason to one of the people under  
13 you, did you do that in private or did you do  
14 that aloud for everybody --  
15 A. I did it in private all the  
16 time.  
17 Q. So you accept that that's the  
18 appropriate way to do it?  
19 A. Yes.  
20 Q. So isn't Valerie saying here,  
21 whether you remember getting this document or  
22 not, isn't she saying that there was this  
23 incident where somebody complained about you,  
24 she investigated it, she didn't believe that  
25 you were actually doing what they complained

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1 D. Anderson  
2 about, which was gossiping, but she did learn  
3 or believed she learned that you out loud  
4 talked about disciplining one staff such that  
5 another staff member heard it? Do you  
6 remember that occurring?  
7 A. You lost me again.  
8 Q. What are you not understanding?  
9 A. Are you asking me what Valerie  
10 believed she learned? Because I don't know  
11 that.  
12 Q. That's right, you never would  
13 believe it. But did she discuss with you this  
14 issue? Did she discuss with you that she, in  
15 investigating the complaint that you were  
16 gossiping, learned that you out loud talked  
17 about discipline of one staff such that  
18 another staff heard it? Did she discuss that  
19 with you?  
20 A. Yes, she discussed it with me.  
21 Q. All right. Again, I'm not  
22 asking you to agree that it happened. I'm  
23 just -- you remember her discussing it?  
24 A. Yes.  
25 Q. So if she discussed that with

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1 D. Anderson  
2 you and all she told you was, don't do that,  
3 it's not appropriate, why do you think that  
4 that was harassment or discrimination?  
5 A. I wouldn't think that is  
6 harassment if that's all she told me.  
7 Q. Well, what else did she tell  
8 you?  
9 A. She told me that she had proof  
10 because PW said that I said --  
11 Q. Okay. Anything else?  
12 A. -- that I was gossiping and  
13 talking. To me, that is harassment,  
14 especially when it wasn't done by me. She's  
15 harassing me.  
16 Q. Did she give you any time off  
17 for this?  
18 A. No.  
19 Q. Did she fire you for this?  
20 A. No.  
21 Q. Did she put a written warning in  
22 your file for this?  
23 A. Yes.  
24 Q. There's a written warning in  
25 your file for this?

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1 D. Anderson  
2 A. She wrote me up for this. I  
3 don't know if it's written or -- she wrote me  
4 up for this.  
5 Q. If she did, we'll get to it. It  
6 will be one of the other documents.  
7 She goes on to point out  
8 some other issues in here; right? She's  
9 talking about the green log books. What are  
10 the green log books?  
11 A. Those are daily communication of  
12 what happened with the clients.  
13 Q. And she's also pointed out that  
14 Chandelere -- I guess that's the same person  
15 that you pointed out earlier -- made reference  
16 to the fact that she does the majority of the  
17 work when she works with you while you say  
18 that you are doing paperwork in the office.  
19 You disagreed with that complaint also.  
20 However, through review of  
21 the documentation within the site, it does  
22 appear that she is doing the majority of the  
23 work.  
24 Do you think that the log  
25 books did not show that at the time?

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1 D. Anderson  
2 A. I don't agree with it.  
3 Q. Why?  
4 A. I don't think she -- I think the  
5 work was shared.  
6 Q. What's the chart in the middle  
7 of this page?  
8 A. I have no idea.  
9 Q. You don't know what that points  
10 out?  
11 A. I don't.  
12 Q. It says green log entries,  
13 January, February and March of 2012.  
14 A. Yeah, this is something Valerie  
15 made up here.  
16 Q. Made up the chart or made up the  
17 information?  
18 A. She made up the chart, along  
19 with the information. We don't have a chart  
20 like that for KenCrest.  
21 Q. That's not what I'm asking you.  
22 You have green log books; correct?  
23 A. Yes.  
24 Q. So if somebody looks at green  
25 log books and wants to see in January of 2012

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1 D. Anderson  
2 you know what MV, MC and KS stand for?  
3 A. Do you want me to assume?  
4 Because I don't know.  
5 Q. No, I don't want you to assume.  
6 You never saw those before?  
7 A. The MV, I'm assuming that's the  
8 client's initials.  
9 Q. Do you remember clients with  
10 initials of those back at that time?  
11 A. Yes.  
12 Q. All right. So you don't have to  
13 say their names. We really shouldn't say  
14 their names. But what the chart purports --  
15 and I know you didn't prepare it -- is that in  
16 January and February and in March there were  
17 more entries for Chandelere than there were  
18 for you. That's all I'm asking you. Isn't  
19 that what the chart indicates?  
20 A. That's what the chart indicates.  
21 Q. And you have no way, sitting  
22 here today, of either agreeing with that or  
23 pointing out that it's not true; correct?  
24 A. Right.  
25 Q. In the last paragraph of this

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1 D. Anderson  
2 log entries, somebody could do that and count  
3 them; correct?  
4 A. Yes.  
5 Q. And who does DA refer to?  
6 A. Me.  
7 Q. And who does CSF refer to?  
8 MR. ZAHNER: Objection.  
9 BY MR. TURCHI:  
10 Q. If you know.  
11 A. Chandelere.  
12 Q. You said it was Chandelere Saint  
13 something?  
14 A. Saint Fatton, right.  
15 Q. So that would be her initials;  
16 right?  
17 A. Right.  
18 Q. So what this chart purports to  
19 do -- and I'm not asking if you agree with it,  
20 but it purports to point out log entries for  
21 January, February and March relative to you  
22 and Chandelere; correct?  
23 A. That's what it's pointing out,  
24 yes.  
25 Q. All right. What are these? Do

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1 D. Anderson  
2 document it says, papers that were given to  
3 you are not in the books, nor are they  
4 properly filed. Old paperwork is still in the  
5 books that should have been removed.  
6 Did she speak to you about  
7 that?  
8 A. No, not -- I don't know what --  
9 Q. She didn't or you don't  
10 remember?  
11 A. I don't know when this was  
12 dated, so I guess it doesn't matter.  
13 Q. Well, there's at the very top of  
14 the -- again, you've already told me you  
15 didn't see this document. I accept that. I'm  
16 just asking you questions about the substance  
17 of the document. At the top of it, it says  
18 she met with you and your staff on March 19th  
19 of 2012. So that's the time frame. And then  
20 in the chart, it points out January and  
21 February and March dates. Do you see those?  
22 A. Yes.  
23 Q. Of 2012; correct?  
24 A. 2012, uh-huh.  
25 Q. So do you have any recollection

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1 D. Anderson  
2 resident's birthday at the home?  
3 A. Absolutely. That was done.  
4 Q. Okay. And the last bullet point  
5 on that page is talking about Thursday April  
6 6th of 2012, she says she was at the site and  
7 a staff was sent to see the doctor to complete  
8 a follow-up appointment from the ER visit on  
9 4/2/12. And the staff who was a fill-in staff  
10 had no idea why she was at the appointment.  
11 She had no info from the ER. And it appeared  
12 that she was not aware prior to the shift that  
13 she was expected to complete a med appointment  
14 that morning. The medical visit form that you  
15 printed for the appointment did not list all  
16 of KS's current meds causing the doctor to  
17 prescribe a medication that the individual is  
18 already taking.  
19 Do you remember that issue  
20 taking place?  
21 A. Yes.  
22 Q. Was it correct that you printed  
23 out that form that didn't have all of the meds  
24 on it?  
25 A. Yes.

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1 D. Anderson  
2 Q. And you sent that staff who was  
3 a temporary staff to the appointment with that  
4 form?  
5 A. I didn't send anyone. I was  
6 off.  
7 Q. Did you print out the form for  
8 the appointment?  
9 A. I printed out the form, yes.  
10 Q. Do you accept and agree that, as  
11 the CHS for the home, that you were required  
12 to have the knowledge and make sure that the  
13 forms were complete about medications that the  
14 residents were taking?  
15 A. Yes.  
16 Q. So that was your fault?  
17 A. No.  
18 Q. Whose fault was it if it wasn't  
19 yours?  
20 A. The forms are printed off the  
21 database. The nurses input the medication.  
22 Not the CHS.  
23 Q. You don't have any obligation to  
24 check that? That's your position?  
25 A. No, that's not my position.



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1 D. Anderson  
2 Q. Did you check that form?  
3 A. Yes, I did.  
4 Q. Did you check that form as  
5 against what the resident KS was actually  
6 taking, his medication?  
7 A. I believe I did.  
8 Q. So did you miss something?  
9 A. I think so.  
10 Q. Then it was your fault?  
11 A. No.  
12 MR. TURCHI: Okay. You can  
13 put that away.  
14 (Exhibit D-16 is marked for  
15 identification.)  
16 BY MR. TURCHI:  
17 Q. This is Defendant's Exhibit No.  
18 16. It's an e-mail chain dated in March, the  
19 end of March 2012, from -- the first one, from  
20 Valerie to Lois Johnston and Denise Lamlin and  
21 the re line is Dekeshia?  
22 A. You say the gray line is --  
23 Q. Re line, R-E, I'm sorry. And,  
24 again, you're not on this e-mail chain. I'm  
25 not going to ask you about the e-mail itself.

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1 D. Anderson  
2 Q. -- wrote her up for calling out  
3 and CHS told another staff that she was  
4 planning to write Chandelere up for calling  
5 out.  
6 Do you remember Chandelere  
7 making that complaint?  
8 A. No.  
9 Q. She didn't talk about that at  
10 the meeting?  
11 A. She didn't talk to me about it.  
12 Q. She didn't say that at the  
13 meeting?  
14 A. Oh, at the meeting, yes.  
15 Q. All right. At the meeting, you  
16 were there, Chandelere was there, and Valerie  
17 was there?  
18 A. Yes.  
19 Q. And part of the meeting was  
20 Chandelere complained that you were writing  
21 her up for calling out and told somebody else  
22 about it?  
23 A. Right.  
24 Q. Whether that happened or not,  
25 I'm not asking you.

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1 D. Anderson  
2 I want to see if you remember any of the  
3 meetings that are referenced in here.  
4 On the first page, Valerie  
5 Van Kirk is telling the people in HR about a  
6 meeting with you and Chandelere. Do you see  
7 that, very first line?  
8 A. Yes.  
9 Q. Do you remember having a meeting  
10 with Valerie and Chandelere?  
11 A. Yes.  
12 Q. And in the meeting -- and I'm  
13 now talking about the middle of the page where  
14 it says meeting notes, 3/20/12. Are you with  
15 me?  
16 A. Yes.  
17 Q. Valerie says that Chandelere  
18 reported that the CHS -- that's you; right?  
19 A. I'm not --  
20 Q. The meeting notes, are you with  
21 me, Chandelere reported?  
22 A. Okay.  
23 Q. Chandelere reported that the  
24 CHS -- that's you; right?  
25 A. Yes.

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1 D. Anderson  
2 A. Okay.  
3 Q. But at the meeting it was  
4 discussed?  
5 A. Yes.  
6 Q. Did Chandelere also say at that  
7 meeting that you weren't helping with the  
8 chores or care of the individuals?  
9 A. I don't think so.  
10 Q. Did Chandelere say at that  
11 meeting she wants to transfer out of Henry  
12 Avenue and does not want to work with Dekeshia  
13 anymore?  
14 A. Yes.  
15 MR. TURCHI: You can put  
16 that aside.  
17 (Exhibit D-17 is marked for  
18 identification.)  
19 BY MR. TURCHI:  
20 Q. Okay. I'm showing you a  
21 document marked as Defendant's Exhibit No. 17.  
22 Is that only one page?  
23 A. Yes.  
24 MR. TURCHI: Can we take  
25 our break now and maybe get a couple copies of

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1 D. Anderson  
2 our second page?  
3 MR. ZAHNER: Okay.  
4 (Break taken.)  
5 BY MR. TURCHI:  
6 Q. Ms. Anderson, we've now  
7 corrected the problem with Defendant's  
8 Exhibit-17. It's now, as it should be, two  
9 pages. Down the bottom it's Bates stamped  
10 Defendant's 182 and 183. Now, this is a  
11 disciplinary action form given to you by  
12 Valerie Van Kirk, your supervisor, on April  
13 11th of 2012; correct?  
14 A. Yes.  
15 Q. And this one you refused to  
16 sign; correct?  
17 A. Yes.  
18 Q. But you did get it?  
19 A. Yes.  
20 Q. It was discussed with you?  
21 A. Yes.  
22 Q. All right. You refused to sign  
23 it because you disagreed with it; correct?  
24 A. Yes.  
25 Q. Now, based on your prior

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1 D. Anderson  
2 testimony, am I correct that you didn't  
3 disagree that a complaint like this was made  
4 about you by a staff member, but your problem  
5 with it was that Valerie Van Kirk accepted the  
6 testimony or position of that staff member  
7 over yours?  
8 A. What's the question?  
9 Q. All right. Let me back up.  
10 Part of the reason you were given this was  
11 this issue that we discussed about you saying  
12 loud enough that somebody else heard that you  
13 were giving discipline to a staff member;  
14 correct?  
15 A. Yes.  
16 Q. And you don't dispute that the  
17 staff member involved made that complaint  
18 about you. Your problem is that Valerie Van  
19 Kirk accepted somebody's information about  
20 that and not yours. Isn't that true?  
21 A. I don't dispute it you're  
22 saying?  
23 Q. Back up, because I don't think  
24 you understand me. You don't dispute, do you,  
25 that somebody made a complaint that you were

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1 D. Anderson  
2 overheard giving out discipline or talking  
3 about discipline to a staff member?  
4 A. No.  
5 Q. You don't dispute that that  
6 happened; right?  
7 A. No.  
8 Q. It did happen?  
9 A. That's what I was told.  
10 Q. But do you have any information  
11 that that didn't happen?  
12 A. I have -- no.  
13 Q. All right. So part of this  
14 warning is Valerie saying to you that that  
15 shouldn't happen, information regarding  
16 sharing staff information with other staff,  
17 that's one of the reasons why you refused to  
18 sign this, right, because you don't believe  
19 that happened?  
20 A. I refused to sign it because I  
21 felt like I was being harassed by her.  
22 Q. You've said that many times, now  
23 I'm asking you why. The first part of the  
24 concern that she points out was that you were  
25 overheard by a staff member giving or talking

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1 D. Anderson  
2 about discipline to another staff member;  
3 correct?  
4 A. Yes.  
5 Q. You don't know whether that  
6 happened or not? You don't know whether  
7 somebody complained about it?  
8 A. I don't know.  
9 Q. You have no evidence to indicate  
10 that it didn't happen, do you?  
11 A. I don't.  
12 Q. The second part of her concern  
13 is a continued failure to ensure that all  
14 documentation is completed, all books, data  
15 books are not in order with missing  
16 information.  
17 Did you refute that as  
18 well?  
19 A. I refute the whole written  
20 warning, the whole thing.  
21 Q. Did she talk to you about both  
22 of those issues?  
23 A. I don't think we discussed it.  
24 I think she was trying to give me this  
25 write-up. I wouldn't take it. I wouldn't



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1 D. Anderson  
2 sign it. And she wouldn't discuss it because  
3 I wouldn't sign it.  
4 Q. And is it correct that before  
5 you were given this write-up, you told Valerie  
6 that you wanted to transfer?  
7 A. Yes.  
8 Q. Where did you want to transfer  
9 to?  
10 A. To the education department.  
11 Q. And that wasn't as a CHS;  
12 correct?  
13 A. No.  
14 Q. All right. It was a job doing  
15 what?  
16 A. Teaching.  
17 Q. Had you, at any time before you  
18 told Valerie that you wanted to transfer,  
19 applied for the job?  
20 A. For the -- yes.  
21 Q. The teaching job?  
22 A. Yes.  
23 Q. You applied for it?  
24 A. Yes.  
25 Q. How?

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1 D. Anderson  
2 giving it to me. But then she would turn  
3 around and say, well, you need this, when I  
4 already asked for it.  
5 Q. All right. And this was as  
6 early as February, and in February we went  
7 ~~to~~ that she gave you a good review; correct?  
8 A. Yes.  
9 Q. Do you have any information from  
10 any source that Valerie Van Kirk did not  
11 supervise her other homes the same way that  
12 she supervised yours?  
13 A. No.  
14 Q. Do you have any knowledge of how  
15 many people who worked for KenCrest in the  
16 years 2010, 2011, 2012 took FMLA leave?  
17 A. No.  
18 Q. Do you have any information of  
19 anybody in those years who worked for KenCrest  
20 who took FMLA leave and was fired?  
21 A. No.  
22 Q. Do you have any information from  
23 any source of how many people who worked for  
24 KenCrest in 2010, '11 and '12 took workers'  
25 compensation?

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1 D. Anderson  
2 A. I went on-line, and I wrote a  
3 letter to the director -- I e-mailed her.  
4 Q. When was that?  
5 A. I believe it was in February.  
6 Q. Of 2011?  
7 A. Yes.  
8 Q. And I take it from your -- back  
9 up.  
10 So did you apply for that  
11 position because you believed you were being  
12 harassed as early as February?  
13 A. Yes.  
14 Q. And what form of harassment did  
15 you receive as early as February?  
16 A. The same hostile environment.  
17 It was just -- the constant pulling at the  
18 staff, having them turn against me, the  
19 constant underhanded meetings, having the  
20 staff come to me with concerns, telling me to  
21 direct it this way, but then turning around  
22 saying you shouldn't do it that way. It was  
23 just a constant backstabbing that went on.  
24 And when I asked for paperwork and things that  
25 I need for the site to return, she wasn't

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1 D. Anderson  
2 A. No.  
3 Q. Do you have any information from  
4 any source of whether anybody who worked for  
5 KenCrest in '10, '11 and '12 who took workers'  
6 compensation and were fired?  
7 A. No.  
8 (Exhibit D-18 is marked for  
9 identification.)  
10 BY MR. TURCHI:  
11 Q. I'm showing you what we've  
12 marked as Defendant's Exhibit-18. Now, this  
13 is a letter, is it not, dated April 20, 2012,  
14 to human resources from you; is that correct?  
15 A. Yes.  
16 Q. And this was given -- this is  
17 another complaint that you made to human  
18 resources; correct?  
19 A. Yes.  
20 Q. And you gave this complaint to  
21 human resources shortly after the disciplinary  
22 form that Valerie Van Kirk gave to you that  
23 you refused to sign; correct?  
24 A. Yes.  
25 Q. All right. And between the July

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1 D. Anderson  
2 27, 2011 complaint that you made to human  
3 resources and the date of this, April 20,  
4 2012, you made no other complaint to human  
5 resources?  
6 A. No.  
7 Q. That is correct?  
8 A. That is correct.  
9 Q. Looking at the second paragraph  
10 of your letter to human resources, you said, I  
11 have not received any complaint from Valerie  
12 Van Kirk about my job performance. She told  
13 me that I was doing very well and she put that  
14 in writing for me.  
15 Did I read that correctly?  
16 A. Yes, you read that correctly.  
17 Q. All right. Well, tell me how  
18 that statement that you made to human  
19 resources could be true when all you've done  
20 in your lawsuit and today is complain about  
21 all these times that Valerie Van Kirk harassed  
22 you about job issues.  
23 A. Can you repeat that?  
24 Q. Yeah. That statement that you  
25 made to human resources in this complaint was

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1 D. Anderson  
2 not true; isn't that right?  
3 A. Is that your question?  
4 Q. Yes. It was not true; correct?  
5 A. Wrong.  
6 Q. Okay. Well, didn't you --  
7 haven't you complained here today and  
8 testified about multiple times that Valerie  
9 Van Kirk told you there was an issue with  
10 paperwork, there was an issue with this, there  
11 was an issue with that? Didn't that all  
12 happen before April 20, 2012?  
13 A. Can I clarify?  
14 Q. Answer my question first and  
15 then you can clarify. Didn't you complain  
16 about all those things here today?  
17 A. I did not complain.  
18 Q. Back up. I've given you a  
19 chance to testify today about all of these  
20 supervisory contacts and other issues, the  
21 memorandums, the letters that you received  
22 from Valerie Van Kirk. Have you not testified  
23 about those?  
24 A. I did.  
25 Q. And in all of those forms,

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1 D. Anderson  
2 didn't Valerie Van Kirk -- I know you don't  
3 agree with her -- didn't she say that you  
4 weren't doing your job properly, you weren't  
5 filing paperwork, you weren't completing  
6 chores with the other people consistently, you  
7 were verbally abusing staff members, you at  
8 one time had unprofessional communication when  
9 a family member was around? Remember all  
10 those issues we discussed?  
11 A. Yes.  
12 Q. Well, all of those things  
13 Valerie said to you or showed you in writing  
14 before you wrote this letter to human  
15 resources, didn't she?  
16 A. Yes.  
17 Q. Yet, you said in this letter to  
18 HR, I have not received any complaint from  
19 Valerie Van Kirk about my job performance.  
20 That was not true, was it?  
21 A. No, it's not. I don't think it  
22 is.  
23 Q. You don't think -- you think it  
24 is true or wasn't true?  
25 A. It wasn't true. This is not

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1 D. Anderson  
2 true.  
3 Q. You did point out, however, that  
4 she told you you were doing well and she put  
5 that in writing for me. That's the document  
6 that I showed you earlier; right?  
7 A. Yes.  
8 Q. And she did do that, she gave  
9 you a document saying you were doing well, but  
10 she also said in that document there are some  
11 things you can do better; right?  
12 A. Yes.  
13 Q. The last thing you said here,  
14 you want to transfer to a job you applied for  
15 on February 20th. Does that refresh your  
16 recollection? Is that when you applied for  
17 this teacher job?  
18 A. Yes.  
19 Q. All right. You can put that  
20 aside.  
21 (Exhibit D-19 is marked for  
22 identification.)  
23 BY MR. TURCHI:  
24 Q. I'm showing you what we've  
25 marked as Defendant's Exhibit-19. And this is

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1 D. Anderson  
2 a letter to you dated April 30, 2012 from  
3 Maggie Bolin; correct?  
4 A. Yes.  
5 Q. Did you receive this letter?  
6 A. I think so.  
7 Q. All right. Do you see that it  
8 was sent certified mail up there?  
9 A. Oh, yeah, uh-huh.  
10 Q. Now, the first part of this  
11 letter says that you and I, meaning Maggie and  
12 you, met on Tuesday, April 24th to discuss  
13 your grievance about the written warning you  
14 received on April 11th for job performance  
15 issues. Did you have that meeting?  
16 A. Yes.  
17 Q. Do you remember that meeting?  
18 A. Yes.  
19 Q. Did you tell Maggie in that  
20 meeting everything that you wanted to tell her  
21 about that?  
22 A. I don't think so.  
23 Q. Why not?  
24 A. I was too emotional.  
25 Q. Okay. Did Maggie give you the

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1 D. Anderson  
2 the part of our discussion pertaining to your  
3 option for stepping down to an RA position.  
4 Was that discussed with you  
5 at that meeting?  
6 A. Yes.  
7 Q. Did you bring that up or did she  
8 bring that up?  
9 A. They brought that up.  
10 Q. All right. If a decision were  
11 made in that regard, then you would have to  
12 consider RA openings in houses other than  
13 Henry Avenue.  
14 You understood that; right?  
15 A. Yes.  
16 Q. You didn't want to work at Henry  
17 Avenue anyway; right?  
18 A. Right.  
19 Q. At the present time, there may  
20 be a position available in the northeast.  
21 Did she talk to you about  
22 that position?  
23 A. No.  
24 Q. If you wish to pursue this or  
25 other RA openings, please notify your

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1 D. Anderson  
2 opportunity to talk to her about what your  
3 concerns were?  
4 A. I don't feel like she did.  
5 Q. Did you know who Maggie Bolin  
6 was at that time?  
7 A. Yes.  
8 Q. Did you ever meet her before  
9 that meeting?  
10 A. Yes.  
11 Q. Did you ever have any contact  
12 with her?  
13 A. No.  
14 Q. Did Maggie ever do anything to  
15 you that you thought was harassment or  
16 discriminatory?  
17 A. No.  
18 Q. Mary Ann Maugle was also there  
19 at the meeting; correct?  
20 A. It was another person.  
21 Q. You didn't know who it was?  
22 A. No. She did introduce herself,  
23 but I don't remember the name.  
24 Q. All right. In the third  
25 paragraph, she says, also, I wish to clarify

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1 D. Anderson  
2 supervisor in writing with a copy to me.  
3 Did you do that?  
4 A. I don't remember.  
5 MR. TURCHI: Okay. You can  
6 put that aside.  
7 (Exhibit D-20 is marked for  
8 identification.)  
9 BY MR. TURCHI:  
10 Q. I'm showing you what we've  
11 marked as Defendant's No. 20. It was produced  
12 in discovery as Defendant's 291. And this is  
13 a copy of an e-mail chain between you and  
14 Denise Lamlin; is that correct?  
15 A. Yes.  
16 Q. And I always have difficulty  
17 reading these, but I think you have to start  
18 all the way at the bottom. You say hi -- this  
19 is Wednesday, May 2nd, 2:14 p.m. Am I  
20 right --  
21 A. Yes.  
22 Q. -- about the time and date?  
23 A. Yes.  
24 Q. Hi, Denise. After we talked  
25 today and you told me not to come to work

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1 D. Anderson  
2 today, Deb called me and asked for all the  
3 things I have that is KenCrest. I did tell  
4 you that I am uncomfortable working at Henry  
5 Avenue, but I'm not quitting. I'm just not  
6 sure what is going on at this time. Can you  
7 ~~clear~~ this up for me?  
8 Do you remember that to  
9 Denise?  
10 A. Yes.  
11 Q. And Denise responded to you;  
12 right?  
13 A. Yes.  
14 Q. She responds, it looks like,  
15 within 20 minutes; am I right? May 2nd 2012,  
16 2:31 p.m.? ~~2:31 p.m.~~  
17 A. Yes.  
18 Q. She says, hello Dekeshia. Yes,  
19 thank you for contacting me.  
20 She goes on to say, without  
21 reading the whole thing so the court reporter  
22 doesn't continue to get mad at me, all Deb  
23 really wants is the stuff that she needs to  
24 run the house.  
25 Did you understand that as

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1 D. Anderson  
2 the CHS you were in possession of certain  
3 things that the house needed?  
4 A. Yes.  
5 Q. Okay. So am I correct that  
6 Denise cleared up your question that you asked  
7 her in that e-mail?  
8 A. Yes.  
9 Q. All right. Now, the last part  
10 of this chain is at the top. It says hello  
11 Dekeshia. I replied to your e-mail. Would  
12 you please respond and let me know that you  
13 got my reply?  
14 Did I read that correctly?  
15 A. Uh-huh, yes.  
16 Q. There is also a note on here  
17 that I will let you know is from Denise's  
18 handwriting. It says at 3:40 p.m. I called  
19 Dekeshia and spoke to her re my e-mail  
20 content, Denise Lamlin.  
21 Do you remember having that  
22 conversation?  
23 A. No.  
24 (Exhibit D-21 is marked for  
25 identification.)

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1 D. Anderson  
2 BY MR. TURCHI:  
3 Q. Now, this is Defendant's Exhibit  
4 No. 21. And this was also produced as  
5 Defendant's 287. All you need to do is look  
6 at the very top of this. This is an e-mail  
7 chain from you back to Denise and Deborah  
8 Rowell, is it not, dated May 2, 2012 at 4:48  
9 p.m.? ~~2:31 p.m.~~  
10 A. Yes.  
11 Q. And you say -- this is your  
12 reply to Denise confirming that you got the  
13 e-mail. You say, hello Denise. Thank you for  
14 understanding and I will wait to hear from  
15 you. Thank you, Dekeshia Anderson.  
16 A. This is confirming I got what  
17 e-mail?  
18 Q. The e-mail that we talked about  
19 earlier. It's also below -- it's also below  
20 in this the middle part of this page, D-21,  
21 where she's telling you that all you need to  
22 bring back to Deb is the stuff to run the  
23 house.  
24 A. Okay.  
25 Q. Is that correct now?

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1 D. Anderson  
2 A. Okay. Yes.  
3 (Exhibit D-22 is marked for  
4 identification.)  
5 BY MR. TURCHI:  
6 Q. This is a document marked as  
7 Defendant's Exhibit No. 22. This is a letter  
8 from Denise Lamlin to you dated May 7, 2012.  
9 Do you remember receiving this letter?  
10 A. Yes, I believe so.  
11 Q. All right. She starts by saying  
12 this is a response to your letter dated April  
13 20, 2012. That was your complaint of  
14 harassment/discrimination; correct?  
15 A. Yes.  
16 Q. And she also points out there  
17 that there was a meeting about that on April  
18 27th to discuss your allegations; correct?  
19 A. Yes.  
20 Q. Do you remember that meeting?  
21 A. I don't remember.  
22 Q. Do you know what, if anything,  
23 HR at KenCrest did between the time of your  
24 letter and the time that they met with you to  
25 discuss your allegations in the way of

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1 D. Anderson  
2 investigating your complaint?  
3 MR. ZAHNER: Objection to  
4 form.  
5 THE WITNESS: No, I don't.  
6 BY MR. TURCHI:  
7 Q. Denise says at the end of this  
8 first paragraph that we met today, meaning May  
9 7th, to discuss the outcome. Do you remember  
10 that meeting?  
11 A. No.  
12 Q. She points out in the second  
13 paragraph that you told her and continue to  
14 tell her that you feel harassed and you're  
15 uncomfortable about your supervisor at Henry  
16 Avenue. Is that what she's saying in that  
17 second paragraph?  
18 A. That's what she's saying, yes.  
19 Q. Is that correct, did you tell  
20 Denise that?  
21 A. Yes.  
22 Q. And you told her again, she's  
23 saying, at the end of that second paragraph,  
24 that you didn't want to go back there and you  
25 want to transfer out of Henry Avenue?

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1 D. Anderson  
2 conversation with Denise Lamlin?  
3 A. No, sir.  
4 Q. Okay. You never told her  
5 anything like that?  
6 A. I don't recall that, no.  
7 Q. You don't recall it or you --  
8 A. I have not told her I would not  
9 return to work.  
10 Q. And then she goes on to say, I  
11 placed you on a paid administrative leave  
12 pending the completion of my review. Did that  
13 happen?  
14 A. Yes, she did place me on  
15 administrative leave.  
16 Q. She asked you at the end of this  
17 letter to notify her in writing by May 10th if  
18 you were interested in available jobs as an RA  
19 in Philadelphia or eastern regional programs;  
20 is that correct?  
21 A. Yes.  
22 Q. Did you do that?  
23 A. Yes.  
24 (Exhibit D-23 is marked for  
25 identification.)

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1 D. Anderson  
2 A. That's not correct.  
3 Q. You did not tell her that?  
4 A. I don't think so.  
5 Q. Okay. Now, we're talking about  
6 a meeting that Denise's letter indicates  
7 occurred on May 7th of 2012. You weren't  
8 telling her as of May 7th that you were  
9 feeling harassed there and didn't want to go  
10 back to work there?  
11 A. I told her I was feeling  
12 harassed and I would like to be transferred.  
13 Q. All right. So you never said to  
14 her you didn't want to go back to work there?  
15 A. I don't think so.  
16 Q. Okay. Go to the second page of  
17 the exhibit, please. In the third line of  
18 that paragraph that starts at the top of the  
19 page Denise says, during our phone  
20 conversation, which she references above  
21 taking place on May 2nd, you adamantly told me  
22 that returning to your job at Henry Avenue is  
23 not an option because you feel uncomfortable  
24 there.  
25 Did you have that

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1 D. Anderson  
2 BY MR. TURCHI:  
3 Q. Okay. Defendant's Exhibit-23 is  
4 another e-mail chain between you and Denise  
5 Lamlin provided in discovery as Defendant's  
6 236 and 237. The e-mail chain starts on the  
7 second page, actually, back on May 2nd. And  
8 then on the first page there are a couple of  
9 e-mails dated May 23rd and May 24th. Do you  
10 see those?  
11 A. Uh-huh.  
12 Q. You have to speak up?  
13 A. Yes. I'm sorry. Yes.  
14 Q. Can you confirm that these were  
15 e-mails that you sent and received to Denise  
16 Lamlin and from Denise Lamlin?  
17 A. Yes.  
18 Q. Okay. Just so the record is  
19 clear, those are e-mails that you sent to  
20 Denise and that she sent to you?  
21 A. Yes.  
22 Q. Correct?  
23 A. Yes.  
24 (Exhibit D-24 is marked for  
25 identification.)



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1 D. Anderson  
2 BY MR. TURCHI:  
3 Q. Showing you Defendant's Exhibit  
4 No. 24. This is a two-page document produced  
5 in discovery as Defendants 232 and 233. It's  
6 a letter dated May 24th from Denise Lamlin to  
7 you. Do you remember getting this letter?  
8 A. Yes.  
9 Q. Now, I want you to turn to the  
10 second page, top of the page, the first  
11 paragraph, she said that in an interview on  
12 Tuesday, May 22nd, you told the interviewer  
13 that you can only work on Saturday, Sunday,  
14 and one weekday because you have another job.  
15 Did you tell the interviewer that?  
16 A. Yes.  
17 Q. She says, in the next paragraph,  
18 it was also reported to me that during the  
19 5/22 interview, you made disparaging remarks  
20 about the Philadelphia residential program,  
21 such as saying that the supervisors don't help  
22 when you asked them that the paperwork is too  
23 much and you couldn't get it done, et cetera.  
24 Did you tell the  
25 interviewer that?

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1 D. Anderson  
2 A. No.  
3 Q. Did you respond to this letter  
4 from Denise saying that that wasn't true?  
5 A. I'm not sure.  
6 Q. You can put that aside.  
7 I'm sorry. We need to go  
8 back to that second page, the last paragraph.  
9 Denise says to you, you must let me know  
10 whether you are available for full-time or  
11 part-time work and specifically what days and  
12 times you are available.  
13 Do you remember Denise  
14 asking you that?  
15 A. I think so.  
16 Q. Do you think that if she was  
17 looking to find a position for you, that was a  
18 fair question for her to ask you?  
19 A. What's the question again?  
20 Q. We've established earlier that  
21 Denise was working with you to try to find an  
22 RA position that was acceptable to you;  
23 correct?  
24 A. Correct.  
25 Q. Do you think that it was fair

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1 D. Anderson  
2 for her to ask you that question considering  
3 she was trying to place you in a position?  
4 She would need to know whether you wanted full  
5 or part-time work; right?  
6 A. Yes.  
7 Q. She would need to know what days  
8 you were available to work; right?  
9 A. Yes.  
10 (Exhibit D-25 is marked for  
11 identification.)  
12 BY MR. TURCHI:  
13 Q. Showing you Defendant's Exhibit  
14 No. 25, marked in discovery as Defendant's 229  
15 and 230. It's a letter from Denise Lamlin,  
16 June 1, 2012 to you; is that correct?  
17 A. Yes.  
18 Q. Do you remember getting this  
19 letter?  
20 A. Yes.  
21 Q. In the fifth paragraph of the  
22 first page, it says that you had asked Denise  
23 about whether you would receive \$11 an hour in  
24 the RA position. Do you remember asking that  
25 question?

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1 D. Anderson  
2 A. Yes.  
3 Q. And Denise was confirming that  
4 you would be paid that amount?  
5 A. Yes.  
6 Q. Did you understand at the time  
7 that that was higher or lower or the same as  
8 what other RAs were getting paid at the time?  
9 A. That was the same as I was  
10 getting paid as an RA.  
11 Q. That's not what I'm asking you.  
12 At the time that KenCrest was finding this  
13 position for you, do you know whether RAs were  
14 getting paid \$11 an hour or something less?  
15 A. Less.  
16 Q. So KenCrest was agreeing to pay  
17 you \$11 an hour even though RAs were getting  
18 paid less?  
19 A. Yes.  
20 Q. Go to the next page.  
21 A. I'm sorry.  
22 Q. Denise goes on to tell you there  
23 that, at this point, the RA position at Erie  
24 Avenue in Telford is available and will be  
25 given to you if you wish to accept it.



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1 D. Anderson  
2 Did you accept that job?  
3 A. Yes.  
4 Q. That's where you went to work  
5 and stayed for the rest of your tenure at  
6 KenCrest; correct?  
7 A. Yes.  
8 (Exhibit D-26 is marked for  
9 identification.)  
10 BY MR. TURCHI:  
11 Q. I'm showing you what we've  
12 marked as Defendant's No. 26, which also was  
13 produced in discovery marked as Defendant's  
14 No. 1. This is a supervisory contact sheet  
15 that you received from the CHS who you were  
16 working under at the Erie Avenue house when  
17 you were working as an RA; correct?  
18 A. Yes.  
19 Q. And this was in November of  
20 2012; correct?  
21 A. Yes.  
22 Q. Did you think that this was  
23 harassment or discrimination?  
24 A. Yes.  
25 Q. Did you make any complaints

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1 D. Anderson  
2 Q. Okay. Did you work under -- was  
3 this a female?  
4 A. Yes.  
5 Q. Did you work under her all  
6 during the time that you were an RA at Erie?  
7 A. Yes.  
8 Q. So that was from the end of May  
9 or the beginning of June of 2012, all the way  
10 through until March of 2013; correct?  
11 A. Yes.  
12 Q. Did you get any other forms of  
13 discipline from her other than this contact?  
14 A. Yes.  
15 Q. You got more?  
16 A. Yes.  
17 Q. More forms? Written warnings or  
18 anything like that?  
19 A. Just the supervisory contacts.  
20 Q. You got more than one?  
21 A. Yes.  
22 Q. That's news to me. I'll have to  
23 look for them.  
24 Okay. But again, did she  
25 ever say anything to you about medical

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1 D. Anderson  
2 about that?  
3 A. No.  
4 Q. And this was not by Valerie Van  
5 Kirk; correct?  
6 A. No, sir.  
7 Q. Who was this from?  
8 A. Her name was B -- I can't  
9 pronounce her full name.  
10 Q. But your position is that she  
11 also discriminated against you because of your  
12 medical conditions?  
13 A. My position is that she was --  
14 this was harassment, that's my position.  
15 Q. All right. Because of your  
16 medical conditions?  
17 A. I don't know why she harassed  
18 me.  
19 Q. Was there any other thing that  
20 you think was possible to be harassed for when  
21 you worked at KenCrest? What else was she  
22 harassing you for if it wasn't your medical  
23 conditions?  
24 A. I don't know why she was  
25 harassing me.

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1 D. Anderson  
2 conditions or about leaves of absence or  
3 workers' compensation or anything like that?  
4 A. No.  
5 Q. Did she make any discriminatory  
6 remarks about you at all?  
7 A. No.  
8 MR. TURCHI: All right.  
9 You can put that aside.  
10 (Exhibit D-27 is marked for  
11 identification.)  
12 BY MR. TURCHI:  
13 Q. I'm showing you a document  
14 that's marked Defendant's Exhibit-27, produced  
15 in discovery as Defendant's 65. Did you ever  
16 see this before?  
17 A. Yes.  
18 Q. Was this given to you by the  
19 same supervisor you just complained about?  
20 A. Yes.  
21 Q. And this was in December of  
22 2012, which is a month after the supervisory  
23 contact; correct?  
24 A. Yes.  
25 Q. All right. And she gave you a

Page 217

1 D. Anderson  
2 verbal warning?  
3 A. Yes.  
4 Q. And she said you failed to  
5 complete the double-check form for LS. Is  
6 that a resident?  
7 A. Yes.  
8 Q. This is your second-time error  
9 on double-check medication administration  
10 checklist?  
11 A. Yes.  
12 Q. The first one was 11/18. That's  
13 what was referred to in the supervisory  
14 contact?  
15 A. I think so.  
16 Q. All right. And I take it, from  
17 what you've already testified to, that you  
18 believe this was harassment and discrimination  
19 as well?  
20 A. Yes.  
21 Q. Did you ever complain to anybody  
22 about that?  
23 A. No.  
24 Q. I think we established, but I  
25 just need to be clear, you didn't -- do you

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1 D. Anderson  
2 remember, before you filed a lawsuit, you  
3 filed a complaint with the EEOC or the  
4 Pennsylvania Human Relations Commission?  
5 A. I'm sorry?  
6 Q. Do you know what the EEOC is?  
7 A. Equal --  
8 Q. Equal Employment Opportunity  
9 Commission.  
10 A. Yes.  
11 Q. Do you remember filing a  
12 complaint with them before you filed the  
13 lawsuit?  
14 A. I think so, yes.  
15 Q. All right. Do you remember that  
16 the basis of your complaint was disability  
17 discrimination?  
18 A. Yes.  
19 Q. And nothing else; right?  
20 A. I'm not sure. I --  
21 Q. It wasn't race discrimination or  
22 gender discrimination or age discrimination?  
23 A. No, none of that.  
24 Q. Okay. And the last leave that  
25 you took at KenCrest of any form, before the

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1 D. Anderson  
2 one that you took at the end of 2012, was back  
3 in July of 2011; right?  
4 A. Yes.  
5 Q. July to September of 2011?  
6 A. Yes.  
7 Q. Did you have any knowledge -- I  
8 think the woman's name is Bozena Wesolowski.  
9 Does that sound right to you?  
10 A. Yes.  
11 Q. She was your supervisor when you  
12 were an RA at the end?  
13 A. Yes.  
14 Q. Do you know whether she even  
15 knew you took medical leave?  
16 A. I believe she did.  
17 Q. How do you believe that?  
18 A. She talks to Valerie Van Kirk.  
19 Q. So you're assuming that Valerie  
20 Van Kirk told her that you took medical leave?  
21 A. Yes, I'm assuming.  
22 Q. You have no information to  
23 support it? That's just your assumption?  
24 A. That's my assumption.  
25 (Exhibit D-28 is marked for

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1 D. Anderson  
2 identification.)  
3 BY MR. TURCHI:  
4 Q. Showing you what we've marked as  
5 Defendant's Exhibit-28 and marked in discovery  
6 as Defendant's 62. Is it correct that this is  
7 a note that you wrote or typed to Stephanie  
8 Righter?  
9 A. Yes.  
10 Q. And you said in this note that  
11 it's a financial hardship for me to drive an  
12 hour to work.  
13 A. Yes.  
14 Q. I would like to -- I think that  
15 should say thank you for the opportunity to  
16 work at one of your sites. However, I will  
17 not be able to return to work there.  
18 A. Yes.  
19 Q. So this was your resignation  
20 letter?  
21 A. Yes.  
22 Q. It looks like there's a date on  
23 there, effective 3/11/13. Is that accurate as  
24 far as you remember, March 11th of '13?  
25 A. I think so. I'm not sure of the

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1 D. Anderson  
2 exact date.  
3 Q. Were you out on workers'  
4 compensation leave when --  
5 A. When I wrote this?  
6 Q. -- you gave that resignation?  
7 A. I think I was cleared then.  
8 Q. You were cleared to go back?  
9 A. Yes.  
10 Q. You were told to go back by the  
11 doctor?  
12 A. Yes.  
13 Q. And you didn't go back, you  
14 resigned?  
15 A. Yes.  
16 Q. Now, you didn't say anything in  
17 your resignation letter to -- who is Stephanie  
18 Righter, by the way?  
19 A. She was the PD of Erie Avenue.  
20 Q. And you didn't say anything to  
21 Stephanie in your resignation letter that you  
22 were leaving because you were harassed or  
23 discriminated against?  
24 A. No, I did not.  
25 Q. The only thing you told her was

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1 D. Anderson  
2 in a questionnaire form to get feedback from  
3 them about how she was doing her job?  
4 A. Could you ask that again,  
5 please?  
6 Q. Yeah. Isn't it correct that  
7 this questionnaire was provided to you and to  
8 others at Henry Avenue by Valerie Van Kirk.  
9 Do you remember that?  
10 A. No.  
11 Q. You don't remember it, all  
12 right. Why don't you read this and see if it  
13 refreshes your memory. Dear community home  
14 supervisors, this questionnaire is to help me  
15 better understand you, your position and how  
16 you feel. It goes on to say, how am I doing  
17 as your supervisor?  
18 Does that refresh your  
19 memory that you filled out something that came  
20 from Valerie Van Kirk which gave you an  
21 opportunity to tell her how she was doing as  
22 your supervisor?  
23 A. It doesn't, no.  
24 Q. How about reading -- are these  
25 your comments?

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1 D. Anderson  
2 that it was a financial hardship for me to  
3 drive an hour to work; correct?  
4 A. Yes.  
5 (Exhibit D-29 is marked for  
6 identification.)  
7 BY MR. TURCHI:  
8 Q. I'm showing you what we marked  
9 as Defendant's Exhibit No. 29. It's a  
10 multiple-page document produced in discovery  
11 as 380 -- Defendant's 380 through 393. Do you  
12 recognize what this is?  
13 A. No.  
14 Q. It purports to be -- it says  
15 supervisor satisfaction questionnaire. Did  
16 you ever see something like this when you  
17 worked at KenCrest?  
18 A. I think so. I think I have.  
19 Q. All right. And am I correct  
20 that the first two pages of this document you  
21 filled out?  
22 A. Yes.  
23 Q. All right. And does it refresh  
24 your memory that this questionnaire was given  
25 to you and staff members by Valerie Van Kirk

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1 D. Anderson  
2 A. They are. This is my  
3 handwriting.  
4 Q. All right. So, the first  
5 question she asked you, do you feel as though  
6 I am providing you the support and information  
7 necessary to carry out your job expectations?  
8 You said no. If not, what can I do to better  
9 assist you? And then you gave her a list of  
10 things that she could do; right?  
11 A. Uh-huh.  
12 -- Q. Yes?  
13 A. Yes. I'm sorry.  
14 Q. So that doesn't refresh you that  
15 Valerie gave you this questionnaire and asked  
16 you these questions?  
17 A. It doesn't.  
18 Q. And you wouldn't know about the  
19 remaining pages, which were to the staff?  
20 A. I heard about them.  
21 Q. You heard about them from staff  
22 members?  
23 A. Right. They was telling me how  
24 she was taking statements from my staff, from  
25 the staff about me.

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1 D. Anderson  
2 Q. About you?  
3 A. Yes.  
4 Q. Well, let's look at the third  
5 page of this document. Do you see where she's  
6 saying to staff, how do you feel about the  
7 support --  
8 A. Here?  
9 Q. You're on the right page. How  
10 do you feel about the support I provide as  
11 your project director? That's not asking  
12 about you, is it?  
13 A. No.  
14 Q. It's asking about her; correct?  
15 A. Right.  
16 Q. So she's asking the staff both  
17 about her and about you; correct?  
18 A. That's what it looks like.  
19 Q. Do you take this, what Valerie  
20 did in handing out this questionnaire, to be a  
21 form of harassment or discrimination against  
22 you?  
23 A. Yes.  
24 Q. Okay. Even though she was  
25 asking questions about herself?

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1 D. Anderson  
2 A. Yep. Yes, sir. I'm sorry.  
3 Q. And even though she was asking  
4 questions about her coworkers?  
5 A. Yes.  
6 Q. Now, do you have any information  
7 sitting here today that Valerie Van Kirk did  
8 not go through this same process with the  
9 other homes that she supervised?  
10 MR. ZAHNER: Objection to  
11 form.  
12 THE WITNESS: No, sir.  
13 BY MR. TURCHI:  
14 Q. You don't know one way or the  
15 other; right?  
16 A. I don't know.  
17 (Exhibit D-30 is marked for  
18 identification.)  
19 BY MR. TURCHI:  
20 Q. I'm showing you what we've  
21 marked as Defendant's Exhibit-30, produced in  
22 discovery as Defendant's 470. This is an  
23 e-mail chain. And, again, you didn't get a  
24 copy of this. I'm going to ask you about some  
25 of the content of it.

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1 D. Anderson  
2 At the very bottom -- this  
3 is Stephanie Righter writing to Lucille  
4 Bernardo. Do you know who Lucille Bernardo  
5 was at the time?  
6 A. She was in HR.  
7 Q. Did you recognize her to be a  
8 workers' comp administrator there at KenCrest?  
9 Did you ever deal with Lucille Bernardo for  
10 anything other than workers' comp?  
11 A. No, I don't think so.  
12 Q. So Stephanie is saying to  
13 Lucille -- this is regarding you -- hi  
14 everyone, Dekeshia was permitted to use three  
15 days of PTO and four days of LTM to make up  
16 the seven-day waiting period for WC, workers'  
17 comp, while she was out on workers' comp and  
18 that would be all. She has been receiving  
19 workers' comp. However, that stopped this  
20 Saturday.  
21 Is that accurate, that your  
22 worker's comp stopped around Saturday, March  
23 2nd of 2013. Do you remember that?  
24 A. I don't know.  
25 Q. At the top, Lucille Bernardo is

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1 D. Anderson  
2 responding back to Stephanie Righter. I asked  
3 her to report, meaning you, to work on 3/12 --  
4 Saturday 3/12, and she told me she could not  
5 as she would be out of town.  
6 Do you remember that  
7 conversation?  
8 A. Yes.  
9 Q. So was that accurate?  
10 A. Yes.  
11 Q. She goes on to say, I told her  
12 that workers' comp benefits would stop on that  
13 day, as we had work for her and she chose not  
14 to come back to work.  
15 Did she tell you that?  
16 A. I think, yes.  
17 Q. Okay. She said that she would  
18 come back to work this coming Saturday.  
19 Did you tell Lucille that?  
20 A. Yes, I think so.  
21 MR. TURCHI: Okay. You can  
22 put that aside.  
23 (Exhibit D-31 is marked for  
24 identification.)  
25 BY MR. TURCHI:

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1 D. Anderson  
2 Q. Ms. Anderson, I'm showing you  
3 Defendant's Exhibit-31. It's a one-page  
4 letter produced in discovery as Defendant's  
5 474. It's a letter dated March 4, 2013 from  
6 Lucille Bernardo, which says workers'  
7 compensation specialist, to you; is that  
8 correct?  
9 A. Yes.  
10 Q. Do you remember getting this  
11 letter?  
12 A. Yes.  
13 Q. You can put that aside. Just  
14 give me a second.  
15 I just want to go back to  
16 one point, Ms. Anderson. Do you remember back  
17 in April of 2012 you made the complaint to  
18 Denise Lamlin, to human resources? Do you  
19 remember that?  
20 A. Yes.  
21 Q. And I think the date of your  
22 letter was April 27th or thereabouts. Am I  
23 correct that you called out sick for about  
24 three days or so after that, before Denise  
25 Lamlin contacted you and put you on paid

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1 D. Anderson  
2 administrative leave?  
3 A. I'm not sure.  
4 Q. What was the reason for your  
5 last leave at KenCrest? That was a workers'  
6 comp leave, correct, the very last one?  
7 A. We was in a car accident.  
8 Q. We being?  
9 A. Me, my clients, and the staff  
10 workers.  
11 Q. Were you driving?  
12 A. Yes.  
13 Q. Was anybody else injured in that  
14 accident?  
15 A. Yes.  
16 Q. How many other staff members  
17 were in that accident?  
18 A. One other person.  
19 Q. And who was that?  
20 A. It was a male. He was there a  
21 short time. I don't -- I think Ishmael. I  
22 think Ishmael.  
23 Q. What was his position? RA?  
24 A. RA.  
25 Q. Did he take workers' comp, as

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1 D. Anderson  
2 far as you know, as a result of that accident?  
3 A. I'm not sure.  
4 Q. During the course of your  
5 employment with KenCrest, from start to  
6 finish, were you ever denied the ability to  
7 take leave?  
8 A. No.  
9 MR. TURCHI: That completes  
10 my questions. Thanks very much.  
11 THE WITNESS: Thank you.  
12 MR. ZAHNER: I have some  
13 follow-ups.  
14 - - -  
15 EXAMINATION  
16 - - -  
17 BY MR. ZAHNER:  
18 Q. Can you look at Exhibit-23? And  
19 then go to the second page. At the top of  
20 that page, there's a letter from -- an e-mail  
21 from Denise Lamlin on May 2nd at 4:19 p.m. Do  
22 you see that?  
23 A. Yes.  
24 Q. And can you read the second  
25 sentence of that letter?

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1 D. Anderson  
2 A. When we spoke today at noon I  
3 felt it best that you not return to work until  
4 I determine a resolution.  
5 Q. Whose decision was it for you to  
6 not come back to work?  
7 A. Denise Lamlin.  
8 Q. And did you tell her you did not  
9 want to come back to work?  
10 A. No.  
11 Q. And did you ever tell her that  
12 you were -- that you wouldn't work at Henry  
13 Avenue again?  
14 A. No.  
15 Q. And can you read the e-mail  
16 below that from you on May 2, 2012 at the  
17 bottom?  
18 A. Hi Denise --  
19 Q. Just read the -- start with the  
20 second sentence.  
21 A. I did tell you that I'm  
22 uncomfortable working at Henry Avenue, but I  
23 am not quitting.  
24 Q. And this is something you had  
25 told her previously; right?



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1 D. Anderson  
2 A. Yes.  
3 Q. And then if you go to the first  
4 page of this, there's another e-mail from you  
5 on Wednesday, May 23rd, starting in the middle  
6 of the page. And can you just read the last  
7 sentence in the first paragraph?  
8 A. I actually told you I was ready  
9 to report to work for the next shift when you  
10 put me on administrative leave based on your  
11 concerns.  
12 Q. Is that statement true?  
13 A. Yes.  
14 Q. And then in the middle of the  
15 second paragraph you mention that it seems  
16 like you just terminated me and are treating  
17 me like an outsider. Why did you feel like  
18 you were just terminated at that time?  
19 A. Because I had to go for  
20 interviews for different sites. And I wasn't  
21 getting any, you know, job placements from  
22 her.  
23 Q. And what was your understanding  
24 after your conversations with her of the  
25 reason for your administrative leave?

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1 D. Anderson  
2 A. My understanding was she was  
3 going to investigate the situation and get me  
4 back to work.  
5 Q. And did you ever tell her you'd  
6 rather have an RA position rather than a CHS  
7 position?  
8 A. No.  
9 Q. Did you ever tell her that you'd  
10 rather have a lower paying job?  
11 A. No.  
12 Q. Now, I know you were shown a  
13 series of letters -- if you want to look to  
14 refresh your recollection, at Exhibit-8,  
15 Exhibit-9.  
16 A. Exhibit-8, Exhibit-9.  
17 Q. And Exhibit-12 and 13 are kind  
18 of similar to that as well.  
19 A. 12 and 13?  
20 Q. Yeah. Just look at those real  
21 quick. Prior to your injury in December of  
22 2010, did you ever receive any letters like  
23 this?  
24 A. No.  
25 MR. TURCHI: Object to

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1 D. Anderson  
2 form. Go ahead. Go ahead.  
3 THE WITNESS: No.  
4 BY MR. ZAHNER:  
5 Q. Okay. And then you can put  
6 those aside. And look at Exhibit-15. It's  
7 the one with the chart on it. I believe you  
8 said you didn't make this chart, did you?  
9 A. No.  
10 Q. And you said the three, MV, MC  
11 and KS were likely clients?  
12 A. Yes.  
13 Q. Did you only have three clients  
14 at your location?  
15 A. At that time.  
16 Q. At that time you only had three  
17 clients?  
18 A. Yes.  
19 Q. And also look at Exhibit-2.  
20 Now, at the top of the first page, can you  
21 just read what date this document was prepared  
22 on?  
23 A. 6/3/10.  
24 Q. And on the last page when you  
25 signed it, what was the date you actually

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1 D. Anderson  
2 signed off on this document?  
3 A. 3/26/12.  
4 Q. You mentioned that after you  
5 sent them a letter, which is Exhibit-11, if  
6 you want to look, you sent a letter of a  
7 complaint of discrimination and harassment.  
8 And after that, you said there was a meeting  
9 with you and human resources. Do you remember  
10 that?  
11 A. Yes.  
12 Q. At that time, did you tell them  
13 why you felt discriminated?  
14 A. Yes.  
15 Q. And why did you feel you were  
16 discriminated?  
17 A. Because I went out on workmen's  
18 comp, and I needed some medical assistance.  
19 Q. And when you were placed in your  
20 new position where you said you had to drive,  
21 I believe 45 -- after you were demoted and you  
22 had to drive 45 minutes to work, did you  
23 inform them that you would rather be somewhere  
24 further away?  
25 A. No.



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1 D. Anderson  
2 Q. And can you go to Exhibit-29.  
3 It's the one with the smiley face at the top.  
4 Can you go to, I guess, the third place where  
5 you stated that you wrote stuff in there. At  
6 the bottom of that, can you just read the last  
7 sentence in -- for the question, do you  
8 that --  
9 A. On page one?  
10 Q. Yeah, start on page one. The  
11 question is, do you feel that you have  
12 challenges at your site, do you see that  
13 question?  
14 A. This one?  
15 Q. Can you just read the last  
16 sentence in that paragraph?  
17 A. And I do not feel I can come to  
18 you about it.  
19 Q. And when you're saying you don't  
20 feel you can come to you about it, who are you  
21 talking about?  
22 A. Valerie Van Kirk.  
23 Q. And why did you feel like you  
24 couldn't come to her about stuff?  
25 A. Because she would just -- she

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1 D. Anderson  
2 was just like always putting me down, saying  
3 things not happening, and I felt like she was  
4 causing the problem.  
5 Q. And referring to Exhibit-29, as  
6 well -- are you okay to continue? I just have  
7 a couple more questions. I think just  
8 probably one question. Can you continue now?  
9 A. Yes.  
10 Q. I'm referring to document 29.  
11 And prior to your injury in December of 2010,  
12 did you ever see this document before that?  
13 A. No.  
14 Q. Just give me one minute, I think  
15 that's it.  
16 Can you just read to  
17 yourself the second sentence, just to refresh  
18 your recollection? This one right here. You  
19 stated that I have not received any complaint  
20 from Valerie Van Kirk. Did you maybe mean  
21 that you didn't receive any written  
22 discipline?  
23 MR. TURCHI: Object to  
24 form. You're leading the witness. You can't  
25 do that. I'll object not only to form, but to

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1 D. Anderson  
2 move for sanctions if you don't withdraw that  
3 question. That's a ridiculous question and  
4 you know it.  
5 MR. ZAHNER: You can answer  
6 the question.  
7 MR. TURCHI: You're going  
8 to stick with that question that you just  
9 asked her, did she maybe mean something else  
10 than what she testified to? Are you serious  
11 about that? If you are, then I think we're  
12 going to have to call the Judge. We'll do it  
13 now.  
14 MR. ZAHNER: I guess I can  
15 reword the question.  
16 BY MR. ZAHNER:  
17 Q. When you state I have not  
18 received any complaint from Valerie Van Kirk,  
19 what are you referring to when you say  
20 complaint?  
21 A. From the time that she gave me  
22 the review from the time -- from September  
23 after I returned back, it wasn't like  
24 complaints. What was written up, from what  
25 she was explaining to me, was things that she

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1 D. Anderson  
2 would like done. It wasn't a complaint. It  
3 was just her recommendation. And, actually,  
4 she told me it's what she expected. It was  
5 never a complaint about my work or what I was  
6 doing.  
7 MR. ZAHNER: Okay. I think  
8 that's it.  
9 MR. TURCHI: Nothing  
10 further. Thanks.  
11 - - -  
12 (Deposition concluded.)  
13 - - -  
14  
15  
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1 D. Anderson

2 CERTIFICATE

3 U.S. DISTRICT COURT :

4 EASTERN DISTRICT OF PA :

5 I, Jackelyn Johnston, before whom  
6 the deposition of said witness was taken, do  
7 hereby certify that the witness, whose  
8 testimony appears in the foregoing deposition,  
9 was duly sworn, and that the transcribed  
10 deposition of said witness is a true record of  
11 the testimony given by the witness; that the  
12 proceedings herein are recorded fully and  
13 accurately; that I am neither attorney nor  
14 counsel for, nor related to any of the parties  
15 to the action in which this deposition was  
16 taken; and, further, that I am not a relative  
17 of any attorney or counsel employed by the  
18 parties hereto, or financially interested in  
19 this action.

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JACKELYN A. JOHNSTON, Court Reporter